IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO.101 OF 2005

Sushama Raju Vinchurkar ...Applicant

Versus

Raju Baburao Vinchurkar & Anr. ...Respondents

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Mr.R.M.Joshi for Applicant.

Mr.P.M.Kakade for Respnodent No.1.

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CORAM: A.M.KHANWILKAR, J.

JANUARY 23, 2006.

P.C.

1. Heard Counsel for the parties. As settlement is not possible, matter was heard on merits, by consent.

2. After having perused the pleadings and in the peculiar facts of the present case, as the Petitioner is unemployed and is fully dependent on her parents, coupled with the fact that she has to look after the child born out of the wedlock who is

hardly four years old, there is substance in the stand taken on behalf of the Petitioner that the Petitioner will not be able to go to Nagpur on her own to prosecute the proceedings pending in the Nagpur Court. Even though the Respondent is willing to offer all travelling expenses to the Petitioner, unless, some person escorts the Petitioner, as mentioned earlier, Petitioner will not be able to attend to Court proceedings before the Nagpur Court.

3. Taking overall view of the matter, in the interest of justice, the Application is allowed in terms of prayer clause (a), on clear understanding that after the proceedings are transferred to Family Court at Bandra, Mumbai, Petitioner shall extend full co-operation for early disposal of the proceedings and not seek any adjournment on any count even on a single date of hearing. This will ensure that the proceedings at Family Court, Bandra, Mumbai are disposed of expeditiously and would cause minimum inconvenience to the Respondent No.1 who will have to travel from Nagpur to attend to such proceedings. The Family Court, if

possible, may proceed with the trial of the case on day-to-day basis to ensure that the Respondent is required to attend Court proceedings only on a few dates.

4. Application disposed of on the above terms.

A.M.KHANWILKAR, J.